

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Infogroup, Inc., et al.,

Plaintiffs,

vs.

DatabaseLLC, et al.,

Defendants.

8:14-CV-49

ORDER

This matter is before the Court on the defendants' motion to offer additional evidence ([filing 351](#)) and the defendants' objection ([filing 353](#)) to the Magistrate Judge's order ([filing 343](#)) granting the plaintiffs' motion for sanctions ([filing 285](#)). The Court will deny the defendants' motion to offer additional evidence, and the defendants' objection will be overruled.

The defendants argue that the Court should supplement the record with additional evidence which, they argue, supports their objection to the Magistrate Judge's order. See [NECivR 72.2\(b\)\(1\)](#). But the Court declines to do so for two reasons. First, the Court is not persuaded by the defendants' claims that the additional evidence could not have been procured and provided to the Magistrate Judge at the time they were opposing the plaintiffs' motion for sanctions. And second, even if the defendants were permitted to supplement the record with additional evidence, there would still be no basis to sustain their objection.

A district court may reconsider a Magistrate Judge's ruling on nondispositive pretrial matters only where it has been shown that the ruling is clearly erroneous or contrary to law. See [28 U.S.C. § 636\(b\)\(1\)\(A\)](#); *Ferguson*

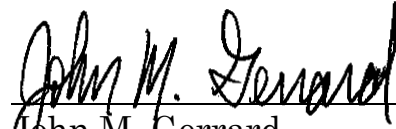
v. U.S., 484 F.3d 1068 (8th Cir. 2007). Having thoroughly reviewed the record, the Court finds that the Magistrate Judge's order was neither clearly erroneous nor contrary to law. Precisely *how* the Court will instruct the jury on the adverse inference is a matter the Court will take up with jury instructions. Accordingly,

IT IS ORDERED

1. The defendants' motion to offer additional evidence ([filing 351](#)) is denied.
2. The defendants' objection ([filing 353](#)) is overruled.

Dated this 5th day of July, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge